

**SB 391**

Senate Energy & Telecomm. Comm.  
Exhibit No. 25  
Date 3/3/2011  
Bill No. SB391

**Senator Art Wittich**

## **Constitution of United States of America- Amendment 5**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, *nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*

## **Constitution of Montana -- Article II -- DECLARATION OF RIGHTS**

**Section 29. Eminent domain.** Private property shall not be taken *or damaged* for public use without just compensation to the *full extent of the loss having been first made to or paid into court for the owner. In the event of litigation, just compensation shall include necessary expenses of litigation* to be awarded by the court when the private property owner prevails.

Amendments to Senate Bill No. 391  
1st Reading Copy

Requested by Senator Art Wittich

For the Senate Energy and Telecommunications Committee

Prepared by Todd Everts  
March 3, 2011 (7:25am)

1. Page 1, line 19.

**Following:** "facility"

**Insert:** "that is not a federal power marketing agency or a  
utility qualifying as an electric cooperative pursuant to  
Title 35, chapter 18,"

- END -

Amendments to Senate Bill No. 391  
1st Reading Copy

Requested by Senator Art Wittich

For the House Federal Relations, Energy, and Telecommunications  
Committee

Prepared by Todd Everts  
March 3, 2011 (1:35pm)

1. Page 3, line 30.

**Following:** "pay"

**Strike:** "a"

**Insert:** "an annual"

**Strike:** "taxable"

**Insert:** "market"

2. Page 4, line 1.

**Following:** "line"

**Insert:** "property in Montana"

- END -